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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,159	01/04/2002	Syoichiro Yoshiura	1035-362	1757
23117	7590	07/13/2007	EXAMINER	
NIXON & VANDERHYE, PC			HARBECK, TIMOTHY M	
901 NORTH GLEBE ROAD, 11TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22203			3692	
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07/13/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/035,159	YOSHIURA ET AL.
	Examiner	Art Unit
	Timothy M. Harbeck	3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31,33,35,37-40 and 43 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31, 33, 35, 37-40, and 43 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-10, 12 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spear et al (hereinafter Spear; US 6,486,439 B1) in view of Blankenship et al (hereinafter Blankenship US 6,624,388 B1).

Re Claim 1: Spear discloses an information communication apparatus, provided in a user device, which is set to be capable of performing communication with outside via a network comprising:

- An information generating section for selecting an article suitable for maintenance of the user device, so as to generate purchase information which indicates that purchase of the article is required, in accordance with status of the user device (Column 2, line 66 – Column 3 line 16)
- A communication section for opening the purchase information to plural dealers, and for receiving sales information, which indicate sales conditions of said article, from respective dealers, so as to inform the sales information to a user (Column 3, line 57 – Column 4 line 6)

Spear does not explicitly disclose wherein selection of the article to be purchased, generation of purchase information, and transmission of purchase information are automatically performed by said apparatus without instruction by the user. Blankenship discloses this step (FIG 14, Column 15, lines 48-67). It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teachings of Blankenship to the disclosure of Spear to further reduce any possibility of human error in the purchase process for replacement parts.

Re Claim 4: Spear further discloses wherein said information generating section is set to generate purchase information, which indicates that purchase of an expendable is required in the user device (Column 3, line 62 - Column 4 line 4).

Re Claim 5: Spear further discloses wherein said information generating section is set to generate the purchase information, which indicates that the purchase of the expendable, left in the user device, becomes less than a predetermined value (Column 7, line 26-63)

Re Claim 6: Spear further discloses wherein said information generating section is set to generate purchase information, which indicates that purchase of a replacement part is required in the user device (Column 3, line 57 – Column 4 line 6).

Re Claim 7: Spear further discloses wherein said information generating section is set to generate the purchase information, which indicates that the purchase of the replacement part is required in the user deice, when deterioration of the replacement

part of the user device becomes more than a predetermined value (Column 3, lines 32-62).

Re Claim 8: Spear further discloses wherein said information generating section is set to generate purchase information, which indicates that a regular examination is required with respect to the user device (Column 3, lines 54-57 'routine maintenance').

Re Claim 9: Spear further discloses wherein said information generating section is set so that the purchase information includes specifying information to specify the user device (Column 3, lines 62-65; 'information relating to the welding system, the selected part and associated part suppliers').

Re Claim 10: Spear further discloses wherein said information generating section is set to stop generating the purchase information in accordance with an instruction of the user (Column 3, line 54-Column 4 line 6).

Re Claim 12: Spear further discloses wherein said communication section informs the sales information by displaying sales information (Column 10 line 15-Column 11 line 12)

Re Claim 37: Spear discloses an information communication apparatus, provided in a user device, which is set to be capable of performing communication with outside comprising:

- An information generating section for generating device information concerning the user device (Column 2, line 66 – Column 3 line 16)

- A communication section for transmitting the device information to plural sending ends and for receiving reply information with respect to the device information (Column 3, line 57 – Column 4 line 6)
- A display section for displaying the reply information (Column 10 line 15- Column 11 line 12)

Spear does not explicitly disclose wherein selection of the article to be purchased, generation of purchase information, and transmission of purchase information are automatically performed by said apparatus without instruction by the user. Blankenship discloses this step (FIG 14, Column 15, lines 48-67). It would have been obvious to a person of ordinary skill in the art at the time of invention to include the teachings of Blankenship to the disclosure of Spear to further reduce any possibility of human error in the purchase process for replacement parts.

Claims 2-3, 11, 13-31, 33, 35, 38-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spear in view of Blankenship and further in view of Heimermann et al (hereinafter Heimermann US 7,110,976 B2).

Re Claim 2: Spear in view of Blankenship discloses the claimed apparatus supra and Spear further discloses wherein said communication section is set to open the purchase information to the plural dealers and wherein said communication section is set to received sales information of the respective dealer (Column 8, line 57 – Column 9 line 33). Spear does not explicitly disclose wherein the purchase information is sent to an auction server, which collects the sales information from the respective dealers

and returns this information to the system. Heimermann discloses a centralized requisition driven order formulating, e-procurement method using reverse auction that teaches a web-site based reverse auction among competing authorized suppliers, employed for purchase of goods and services (Abstract) in a server based system (Column 19, lines 25-39). It would have been obvious to a person of ordinary skill to include the teachings of Heimermann to the disclosure of Spear to force competition among a large number of authorized suppliers. Because Spear indicates that a number of possible suppliers are utilized to fulfill different parts (Column 9 lines 1-5, Column 11, lines 30-31), and Heimermann teaches that that reverse auctions were known to provide an efficient means to find a low cost dealer amongst many, it would have been obvious to a person of ordinary skill to include the teachings of Heimermann to the disclosure of Spear to force competition among a large number of authorized suppliers.

Re Claim 3: Spear in view of Blankenship in view of Heimermann discloses the claimed apparatus *supra* and Heimermann further discloses wherein said auction server is set to determine a successful bidder in accordance with the sales condition transmitted from the respective dealers (Column 20, lines 14-30) and said auction server is set to inform the communication section of the successful bidder that has been determined (Column 20, lines 36-52).

Re Claim 11: Spear in view of Blankenship discloses the claimed apparatus *supra* but does not explicitly disclose wherein said information generating section is set so that the purchase information includes information that causes a dealer to be determined as a successful bidder. Heimermann teaches this step (Column 20 lines

14-30). It would have been obvious to a person of ordinary skill in the art to include the teachings of Heimermann to the disclosure of Spear so that the dealer knows the exact specifications of the goods they are bidding, which assures that the ultimate user gets what they need, and the dealer is not mistakenly bidding on something it cannot provide.

Re Claims 13-19: Further system claims would have been obvious from the previously rejected apparatus claims 1-12, and are therefore rejected using the same art and rationale.

Re Claims 20-22: These claims are very similar to claims 1-3 respectively, except involving a 'peripheral' device suitable for the user device, as opposed to a replacement part or article. For the most part then, the claims are rejected under the aforementioned art and rationale. Applicant defines a peripheral device as heightening the function of the original device (paragraph 0121). The disclosure of Spear enables automated order and fulfillment of both replacement parts and/or welding programs and procedures (See abstracts). Spear also discloses additional hardware components that may be added to the welding system as a whole (Column 6, lines 46-59) and indications for requirements for certain upgrades (Column 6 line 60-Column 7 line 5). Therefore Spear further discloses additional required 'peripheral' devices suitable for the device that heighten the function of the device.

Re Claims 23-30: Further method claims would have been obvious from previously rejected apparatus claims 1-12, and are therefore rejected using the same art and rationale.

Re Claim 31: The claim is substantially the same as claim 1, with the added step that a computer executes the processes. For the most part then, the claims are rejected under the aforementioned art and rationale. Spear further discloses this step (Column 10, lines 15-45).

Re Claims 33: Further program claims would have been obvious from the previously rejected apparatus claims 1-12 and are therefore rejected using the same art and rationale.

Re Claims 35 and 38: Further computer readable medium claims would have been obvious from the previously rejected system claims 1-12 and are therefore rejected using the same art and rationale.

Re Claims 39-40: These claims are substantial duplicates of claims 24 and 25 respectively and are therefore rejected using the same art and rationale.

Re Claim 43: This claim is a substantial similar to claim 1, but broader in scope and is therefore rejected using the same art and rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

The amendments necessitated a new search which uncovered the Blankenship reference.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

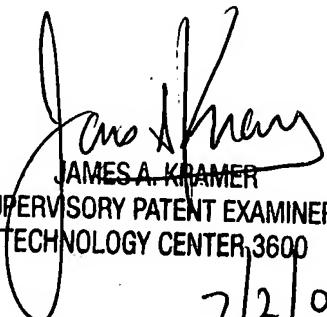
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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7/2/07